

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUAN PEREZ,

Plaintiff,

v.

COBB COUNTY and THOMAS
BASTIS,

Defendants.

CIVIL ACTION FILE

NO. 1:16-cv-00902-SCJ

**OBJECTIONS TO SUBPOENAS TO
VIC REYNOLDS AND T.R. ALEXANDER**

Under Fed. R. Civ. P. 45(d)(2)B, Respondents Vic Reynolds, Cobb County District Attorney, and Captain T.R. Alexander, Cobb County Police Department, object to the subpoenas served on them by Plaintiff Juan Perez. The subpoenas were served on or after June 30, 2017. The subpoenas request production of the following materials:

The entire case file for Juan Perez (d.o.b. May 5, 1954), including all interviews with his ex-wife Amanda, his daughter GP, or both. All communications with any government agencies, including law enforcement, about GP, the Perezes, or both. All documents related to Amanda Perez, Juan Perez, or both.

(Doc. 43). Reynolds and Alexander understand the subpoenas to refer to prosecution and criminal files related to the alleged molestation of a minor child identified as GP.

Respondents object on the following grounds. *First*, the subpoenas are subject to a stay ordered by the Court. The subpoenas seek records of the Cobb County District Attorney's Office and the Cobb County Police Department, which are agencies and departments of Cobb County, Georgia. This Court has stayed discovery as to Cobb County until it decides the County's pending motion to dismiss. (Doc. 37). Cobb County obviously includes its agencies and departments and the subpoenas to Reynolds and Alexander were served as discovery vehicles in this same case. (Doc. 43) (Notice of Subpoenas). Thus, the discovery stay applies to efforts by Perez to obtain discovery from the Cobb County District Attorney's Office and the Cobb County Police Department.

Second, the records covered by the subpoenas are confidential and privileged under Georgia law because they concern reports of alleged child abuse. Under O.C.G.A. § 49-5-40(b), "[e]ach and every record concerning reports of child abuse . . . which is the custody of the [Georgia Department of Human Services] or other state or local agency is declared to be confidential." *See generally* Fed. R. Evid. 501. Records of this nature may, however, be subpoenaed for in camera inspection by a court. O.C.G.A. § 49-5-41(a)(11). After the stay on discovery from Cobb County is lifted in the present case, Reynolds and Alexander will produce the requested materials to this Court for in camera review in response to proper subpoenas.

Respectfully Submitted,

HOLLBERG & WEAVER, LLP



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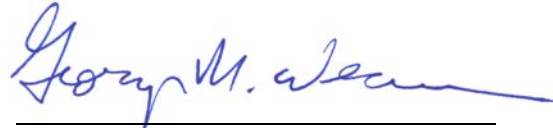
CERTIFICATE OF SERVICE

I hereby certify that I have served by First Class Mail the foregoing
OBJECTIONS TO SUBPOENAS TO VIC REYNOLDS AND T.R.
ALEXANDER on the following attorneys of record:

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This 6th day of July, 2017.



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